

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 5598 of 2007(N)

PETITIONER:

SARADA AMMA K., D/O. CHEKKINI NAIR,
KOLLAN KANDIYAL HOUSE, NANMINDA P.O., KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

1. STATE OF KERALA, REP. BY
THE SECRETARY, HEALTH AND FAMILY WELFARE
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT MEDICAL OFFICER OF HEALTH,
KOZHIKODE.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 5598 OF 2007

Dated this the 20th February, 2007.

JUDGMENT

The petitioner was one of the candidates who participated in the interview held by the District Medical Officer of Health, Kozhikode for appointment to the post of Part Time Sweeper. Ext.P4 select list was prepared and published in February 2005. The petitioner felt that a fair deal was not given to her by the District Medical Officer of Health and for that reason she was not included in Ext.P4 list. She raised the contention that despite her eligibility and superior qualifications she was sidelined and some others who could exert influence on the District Medical Officer have been placed in Ext.P4.

2. When the petitioner approached this Court with the above grievance this Court directed that the issue to be gone into being one relating to questions of fact it would be proper that the petitioner approaches the first respondent for reliefs. Now it appears that after considering the facts in dispute, the Government have taken the decision that there was nothing irregular or illegal in the conduct of the interview and that the petitioner's grievance is not based on correct facts.

3. Counsel for the petitioner submits that Ext.P7 is

ex facie illegal.

4. I am unable to accept the above contention. There is no case for the petitioner that any statutory rule was violated in the conduct of the interview. The only allegation is that while conducting the interview the District Medical Officer did not consider the petitioner as a person possessing better merit than others who were interviewed along with the petitioner. It will be difficult for this Court while exercising the power under Art.226 of the Constitution of India to resolve a dispute of this nature based on the affidavit of the petitioner alone. The Government which is at the helm of affairs on the administrative side, after calling for the records, was satisfied that no irregularity had in fact happened. I do not find any valid ground to interfere with Exts.P4 or P7. That apart, without impleading the candidates included in Ext.P4 it will not be possible to render a decision as prayed for by the petitioner viz., to quash Ext.P4. On that ground also the writ petition is liable to be dismissed. I do so.

K.K.DENESAN
Judge